

## A Grim Sentence of Death

### By Judge Kirby Benedict of the Supreme Court of New Mexico Many Years Ago

While Mr. John A. Hendricks, attorney for the United States in 1915, was taking the deposition of the Clerk of the Supreme Court of New Mexico, at Santa Fe, in order to establish the signature of Judge Kirby Benedict Mr. Hendricks asked the following:

Q I have heard much talk of a sentence by Judge Kirby Benedict in New Mexico as being a classic. I think this would be of interest to the court, and ask you to read it to the stenographer.

A "Kirby Benedict was a native of the state of Connecticut. He was born in 1811. He was appointed associate justice of the supreme court of New Mexico, in 1853, by Franklin Pierce. Soon after attaining his majority he removed to the state of Illinois, where he was a distinguished member of the bar and a personal friend of Abraham Lincoln and Stephen A. Douglas. He was a man of great ability whose honesty and integrity were never questioned. Historical research and literary pursuits had a special charm for him.

While presiding judge, with headquarters at Taos, Judge Benedict delivered the famous sentence of death, pronounced upon Jose Maria Martin.

"Jose Maria Martain, stand up! Jose Maria Martin, you have been indicted, tried and convicted by a jury of your countrymen of the crime of murder, and the court is now about to pass upon you the dread sentence of the law. As a usual thing, Jose Maria Martin, it is a painful duty for the judge of a court of justice to pronounce upon a human being the sentence of death. There is something horrible about it, and the mind of the court naturally revolts from the performance of such a duty. Happily, however, your case is relieved of all such unpleasant features and the Court takes positive delight in sentencing you to death!

You are a young man, Jose Maria Martin; apparently of good physical condition and robust health. Ordinarily you might have looked forward to many years of life, and the Court has no doubt you have, and have expected to die at a ripe old age, but you are about to be cut off in consequence of your own act. Josie Maria Martin, it is now the spring time, in a little while the grass will be springing up green in these beautiful valleys, and on these broad mesas and mountain sides flowers will be blooming; birds will be singing their sweet carols, and nature will be putting on her most gorgeous and her most attractive robes, and life will be pleasant and men will want to stay, but none of this for you, Jose Maria Martin; the flowers will not bloom for you, Jose Maria Martin; the birds will not carol for you, Jose Maria Martin; when these things come to gladden the senses of men, you will be occupying a space about six by two beneath the sod, and the green grass and those beautiful flowers will be

## Madison Raises \$506 For Relief

### County Sends \$392 in Cash And \$114 in Clothing To Bible Lands

Madison County raised \$506 00 for Near East Relief this year, according to official figures just announced from Raleigh by Col. Geo. H. Bellamy, state chairman of this great humanitarian organization. This is 70 per cent of Madison's \$720 quota.

In announcing these figures Col. Bellamy paid tribute to J. A. Hendricks of Marshall, county chairman, who was in charge of raising this sum, and all of those who helped Mr. Hendricks. Official figures were \$392.00 in cash and \$114.00 in clothing. Mr. Hendricks had many difficulties to overcome, the foremost of which is the misconception in the public mind as to the continued need in the Bible lands.

As the Near East Relief, in its definite child-saving program work from year to year, results of work from July 1, to the following June 30 only are announced. During the past fiscal year, Mr. Hendricks endeavored to raise the 7.20 required to feed, clothe and educate the 12 little children now in North Carolina orphanages in the Near East, and dependent on Madison County for their very lives. Sixty dollars takes complete care of a child for a year, so efficient is the work of the Near East Relief overseas

growing above your lowly head. The sentence of the Court is that you be taken from this place to the county jail; that you be there kept safely and securely confined, in the custody of the sheriff, until the day appointed for your execution. (Be very careful, Mr. Sheriff, that he have no opportunity to escape and that you have him at the appointed place at the appointed time) That you be so kept, Jose Maria Martin, until—(Mr. Clerk, on what day of the month does Friday, about two weeks from this time come? March twenty-second, your Honor) Very well,—until Friday, the twenty second day of March, when you will be taken by the sheriff from your place of confinement to some safe and convenient spot within the county (that is in your discretion, Mr. Sheriff, you are only confined to the limits of this county), and that you be there hanged by the neck until you are dead, and the Court was about to add, Jose Maria Martin, "May God have mercy on your soul," but the Court will not assume the responsibility of asking an Allwise Providence to do that which a jury of your peers has refused to do. The Lord could not have mercy on your soul! However, if you affect any religious belief, or are connected with any religious organization, it might be well for you to send for your priest or your minister and get from him,—well,—such consolation as you can; but the Court advises you to place no reliance upon anything of that kind! Mr. Sheriff, remove the prisoner."

## Registration of Autos In Effect

### Secretary of State Mails Copies of Act and Blanks To Owners

W. N. Everett, Secretary of State, has sent notice to local motorists, as well as owners of motor cars in every other section of North Carolina, calling attention to the the motor vehicle title registration act Mr. Everett points out that the motorists are required to register their vehicles, paying a fee of 50 cents for registration and \$1 for the seal tax.

The copies of the law in toto and application blanks have been sent out. The following appeal is made by the secretary for the co-operation of the auto owners in the matter:

"The object of this registration is to make it more difficult to dispose of stolen cars, and to facilitate their recovery and all fees collected will be used to that end. While it will not make it impossible for your car to be stolen. It will decrease the chances, and it will be impossible to license the car again in the State without considerable trouble and expense to the thief. Other states operating under this law report a reduction in thefts of over fifty per cent. The insurance companies have already announced a reduction in rates for theft insurance, effective from the date the title registration begins.

"It is a violation of the law to operate your car after October 1, if you have not made application for certificate of title. Penalty for willfully making a false statement is provided for in section nine of the law.

"Certificate of title, which we will mail you as soon as possible after the receipt of your application, holds good as long as you keep the car. If you sell the car, the certificate must be returned to this office by the purchaser with proper endorsement, in the blanks provided for that purpose."

## Honor Roll for Little Pine School

- FIRST GRADE—Willard Bradburn, Clyde Meadows, Hazel Goforth, Wayne Stines, Howard Payne, Richmond Meadows, Letha Payne, Nora Henderson, Alice Roberts, Jerry Marshall Redmon.
- SECOND GRADE—Lora Rector, Geneva Wilson, Richmond Payne, Esmond Freeman.
- THIRD GRADE—Woodrow Payne, Leonard Bradburn, Weldon Stines, Catherine Roberts, Hattie Bradburn.
- FOURTH GRADE—Mary Lambert, Grace Goforth, Commodore Payne, Paul Roberts.
- FIFTH GRADE—Howard Lambert, Mamie Dockery, Bertha Payne, Bertie Goforth.
- SIXTH GRADE—Woodrow Roberts.
- SEVENTH GRADE—Sallie Sluder.

## Another Killing In Madison

### W. T. Henderson--"Wild Bill" Slain by Ki Baker on Big Pine Last Friday Afternoon

It pains The News Record, to again chronicle the sad and useless tragedy, of the flitting out of another human life in Madison County.

Last Friday on Big Pine Creek W. T. Henderson, commonly known as Wild Bill, got into an altercation with Ki Baker over some beans that all told were worth but a very small amount of money. After having some words over the beans, we are informed that Henderson told Baker to leave his premises, and while Baker was mounted on his mule and Henderson standing near the mule, possibly with his hand on Baker, Baker drew his revolver and shot Henderson through the body, from which wound Henderson died in a few minutes. Henderson and Baker have been near neighbors for many years and so far as known have never before had any falling out or difficulty. It is reported that the influence of liquor entered into this tragedy and had it not been for the liquor doubtless Henderson would be living today and Baker would not have to answer the charge of slaying Henderson. We shall continue to have trouble, killings, fights and quarrels as long as the abominable stuff is manufactured and sold in this county under the name of whiskey, which for the most part is usually not real alcohol manufactured from grain or fruit but some miserable poisonous stuff that destroys the mind of those who use it.

Wild Bill Henderson acquired this name by reason of his rather blustery way-of-talking and acting, but with it all he was usually considered rather a harmless man, and was kind and good hearted.

The News-Record extends its sympathy to the family of the deceased, as well as to the family of the man who will have to answer the charge of killing Henderson.

## Bluff Items

- Mr. Loyd Coward has returned from Detroit, Mich., to his home to spend a few months.
- Miss Ona Singleton is visiting Mrs. Eva Norris, of Lee, N. C., for a few weeks.
- Miss Nellie Riddle and Bernice Coward was disappointed on their trip to Asheville Sunday.
- Mr. W. A. Meadows and family spent the week-end at Fletcher, N. C., and had a grand time.
- Liberty Sunday school was dismissed for the coming winter, Sunday, October 12th.
- We are having a splendid high school at the gap of the mountain this year with Mr. Carl Long as professor.
- Mrs. Eura Baldwin will be entertained by two of her friend girls, Bernice C. and Nellie R. of Bluff, N. C. at Mt. Pleasant on a picnic. All planning for a nice time.
- BROWN EYES.

## Car Captured Near Mars Hill

### Deputy Sheriff's J. C. Jervis and Woodson Ray, of Mars Hill, Capture three Men, 25 Gallons of Liquor and a Large High Powered Car Last Week.

Last Friday, Deputy Sheriff's J. C. Jervis and Woodson Ray, captured three men by the name of Whitaker, Jay and Moore transporting about 25 gallons of liquor and a high powered car near Mars Hill. One of the tires on the car became punctured and the men unloaded the liquor and one went back to Mars Hill to have the car repaired, while the two left were caring for the liquor. Jervis and Ray discovered them and found 6 gallons of liquor at that time. When the man who took the car to Mars Hill returned with the car he and the car were taken in by Ray and Jervis. The three men and the car were brought to Marshall by the officers. After getting to Marshall it was found there was about half gallon of liquor in the car.

Whitaker is reported to be a professional transporter, not much is known of the other two who are scarcely grown. Whitaker is married and resides in Asheville. It is reported they are all Buncombe county men. It is said the car is a valuable vehicle. Under the law the car will be confiscated. But the old trick is interjected. It is said this time a woman has a mortgage on the car for part of the purchase money.

The captured men each gave bond of \$1000 and were released. They left for Asheville.

Some officers went up from Marshall and found near where the 6 gallons of liquor was found 18 gallons more. About the time the 18 gallons were found a car came up. It is believed the men who were arrested with the car after their release reported to Asheville or to a confederate, who come under the cover of the night for the supposed securely concealed 18 gallons, but when reaching the place found the officers in charge of the liquor. If this car was after the liquor no claim was made for it and the party with the car moved on. It is thought if the officers had concealed themselves and let the liquor alone, that they would have been able to have made another haul.

The pity of it is that the real man not behind the gun, but behind the liquor, is not caught. The real criminal remains behind the scene and gets usually thoughtless young men to make the adventure of transporting the vile, poisonous stuff called liquor. The men captured are all young and two of them probably not of age. No doubt that the real rascal in this, as in other cases, keeps him or herself from the clutches of the law, while these young men are made chain gang fodder. These old hardened law breakers are enemies to the peace of the country, the disturbers of humanity. Young man put it down once for all that you cannot serve these rascally law breakers long with out being caught. If you are so fool hardily as to engage in such business you will most assuredly be caught and

## CAN TOMBSTONE BE LIBELOUS?

Can a tombstone be libelous? This is the question which a Tennessee grand jury will be called upon to answer. Authorities from Walker county, Ga., served notice that they would appear before the inquisitorial body and ask for the indictment of R D Baker for criminal libel as the result of the erection of a tombstone to George Baker, his son.

The tombstone bears the inscription that the boy had been unjustly hanged at Lafayette, Ga., for the murder of Deputy Sheriff Morton last fall.

## Card of Thanks

We take this opportunity to express our hearty thanks to our many friends for the many kind deeds done during the illness and death of our dear father. May your life be a happy one, and God bless you all.  
J. S. Bruce and Family  
Hendersonville, N. C.

## Grape Vine Items

Last Sunday was a good day at this place, the day was spent in preaching, singing. Some good speaking and essays read. After the morning service at two o'clock in the afternoon the Grape Vine cemetery was decorated according to a program arranged by Mr. Dolph Coats. While the many friends distributed flowers on the graves, music was rendered by Grape Vine choir, after which the people gathered in the church and the Middle Fork quartet class rendered some wonderful music that was accompanied with good talks on an essay by Miss Minnie Lewis, the subject: "If a Man die Shall he Live Again." The Christian people was much lifted up by this wonderful essay. Many friends were present from Asheville, Marshall and Mars Hill and other places. We sure feel that we appreciate the visit of our friends and ask them to come again.  
E. S. M.

## Card of Thanks

We wish to thank the many friends for their kindness shown us during the death of our father, Mr. Joseph T. Kuykendall May God's richest blessings rest on each and every one.  
Mrs. Edna Farrow,  
Mrs. T. C. Carver,  
Mrs. T. A. Payne,  
Greenville, S. C.

you will have to suffer the consequences of your own folly, but in the mean time turn up the man that got you into trouble. Don't suffer yourself and let him go free.

We believe the courts should offer every inducement possible to have boys and young men who are the tools of the rascals who are reaping the financial rewards, to turn them up. It would be a good investment if necessary to turn loose a dozen boys who are tools, to get the real old perpetrator. These large bands no doubt are being substantially backed up by men who are the real people in the business